

Remarks

This Amendment is in response to the Final Office Action dated **September 13, 2007**. In the Final Office Action, claims 29, 30, 55, 56, 59, 60, 62 were rejected under 35 USC 103(a) as being unpatentable over Gray et al. (5,895,406) in view of Khosravi et al. (5,824,054).

The following comments are presented in the same order, with section headings, as the Office Action.

35 USC 103(a)

In the Final Office Action, claims 29, 30, 55, 56, 59, 60, 62 were rejected under 35 USC 103(a) as being unpatentable over Gray et al. (5,895,406) in view of Khosravi et al. (5,824,054).

In the Final Office Action and in the Advisory Action, it was asserted that “configuration” has the same meaning as “orientation.” Although Applicants disagree and note that neither is a synonym of the other. However, to further prosecution, Applicants have amended claims 29, 55 and 59, without prejudice or disclaimer for purposes of expediting prosecution only. Applicants reserve the right to prosecute these claims in a continuation or divisional application. Applicants have added new claims 63-66. Support for the amendments can be found in the application as filed. No new matter has been added.

Independent claim 29 as amended recites in part:

wherein each stretchable element comprises a pair of peripherally expandable wing-like elements ... each pair of peripherally expandable wing-like elements comprising a first longitudinal element and a second longitudinal element, each longitudinal element being curvilinear and having at least three turns between a first end and a second end of the longitudinal element

Independent claim 55 as amended recites in part:

a plurality of stretchable cells ... each stretchable cell comprising a pair of peripherally expandable wing-like elements ... each of said wing-like elements comprising first and second members that are curvilinear and have at least three turns between a looped end thereof and a peripheral connector element joining circumferentially adjacent stretchable cells

Independent claim 59 as amended recites in part:

a plurality of stretchable elements formed in the coiled-up sheet, the plurality of stretchable elements defining a plurality of first cells, each of the plurality of first cells having a first area when the stent is in an unstretched condition, wherein each stretchable element comprises a pair of peripherally expandable wing-like elements extending generally parallel to the longitudinal axis, each of said wing-like elements comprising first and second members that are curvilinear and have at least three turns

Applicants submit that Gray does not teach or suggest all the elements of the instant claims. Applicants submit that the longitudinal elements of Gray are not curvilinear with at least three turns as recited in the instant claims. The addition of Khosravi, which is asserted to teach locking elements and shape memory material, does nothing to address the failure of Gray to teach or suggest all the elements of the instant claims. For at least this reason, Applicants request withdrawal of the rejection and assert that claims 29-30, 55-56, 59-60 and 62-66 are in condition for allowance.

Conclusion

Based on at least the above, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 29-30, 55-56, 59-60 and 62-66 is requested.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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Date: January 25, 2008

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